

# HOW TO EXPUNGE OR SEAL A CRIMINAL RECORD

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# INTRODUCTION TO CLEARING YOUR CRIMINAL RECORD

This page is an overview of the process. For more detail on the process, read the rest of the packet.

## What are the options to clear my criminal record in Illinois?

When you are arrested or charged with an offense, a criminal record is created, even if you are not found guilty. Your criminal records can be read by the public, including your family, friends, employers, trade organizations, banks, and credit agencies. To have your record erased or hidden you must file a *Request* with the court and have a judge approve your *Request*.

There are 3 ways to clear your criminal record:

- **Expungement:** Erases arrests, court supervisions and some types of probation from your criminal record so it is like they never happened.
- **Sealing:** Hides your criminal record from most of the public. Law enforcement agencies can still see sealed records. Employers required by law to conduct background checks can see sealed felony convictions. They cannot see sealed misdemeanor convictions or cases not resulting in convictions.
- **Executive Clemency:** If you do not qualify for expungement or sealing you may be able to get a pardon from the Governor forgiving you for your criminal convictions. A pardon does not erase or hide your conviction on its own. If you get a pardon authorizing expungement, you can then apply to have your record expunged. To learn more about getting a pardon go to: [www.illinois.gov/prb/](http://www.illinois.gov/prb/) or [www.illinoislegalaid.org/clemency](http://www.illinoislegalaid.org/clemency).

## Are these expungement and sealing forms right for me?

**DO NOT** use the *Request to Expunge & Impound Criminal Records* or the *Request to Seal Criminal Records* forms in the following cases:

- **Stolen Identity:** If the person that was arrested was not you but pretended to be you to the police, do not use these forms. Instead file a request to have your record corrected due to identity theft. You can get the forms to correct your record due to identity theft at: [www.illinoislegalaid.org/criminalidentitytheft](http://www.illinoislegalaid.org/criminalidentitytheft).
- **Juvenile Records:** If you were detained or arrested by the police as a juvenile or charged in juvenile court, do not use these forms. Instead use the court forms for expungement of your juvenile records. You can get the forms at: [www.illinoislegalaid.org/expungementjuvenile](http://www.illinoislegalaid.org/expungementjuvenile).
- **Out of State and Federal Records:** Do not use these forms for criminal records from a state other than Illinois, or for federal criminal records. Instead check with the state where you were charged to see if expungement is an option. If you were charged in federal court, check with the U.S. Department of Justice at: [www.justice.gov/pardon](http://www.justice.gov/pardon).

## Are these expungement and sealing forms right for me? (continued)

**DO NOT** use the *Request to Expunge & Impound Criminal Records* or the *Request to Seal Criminal Records* forms in the following cases:

- **Civil Cases:** If you were involved in a civil case, like an order of protection, it will not appear on your criminal record and cannot be expunged or sealed.
- **Minor Traffic Cases:** If you were arrested and charged with a minor traffic violation, do not use these forms unless the charge was a Class A or B misdemeanor. If you were arrested but not charged for a minor traffic violation you can use these forms.

## Can I apply for expungement or sealing?

- If your criminal record has arrests and charges, but no convictions, you can apply to have your criminal record expunged (erased).
- If there are any convictions on your criminal record, then nothing on your record can be expunged unless the convictions fall under one of the exceptions. See “What types of offenses CAN be expunged (erased)?” on page 4 for the exceptions.
- If you have a conviction on your record that is not an exception, you may still be able to have your record sealed (hidden). See “What types of offenses CAN be sealed (hidden)?” on page 5 for the full details.

## What stops me from having my criminal record expunged (erased)?

- Any criminal charges pending; OR
- Any sentences you have not yet completed, including parole, probation, or court supervision; OR
- Any convictions that do not meet one of the exceptions listed in “What types of offenses CAN be expunged (erased)?” on page 4; OR
- Any court supervisions where the waiting period for the offense has not yet passed. See waiting periods for different offenses listed in “What types of offenses CAN be expunged (erased)?” on page 4.

## What stops me from having my criminal record sealed (hidden)?

- Any criminal charges pending;
- Any sentences you have not yet completed, including parole, probation, or court supervision; OR
- The necessary “waiting period” has not passed.

## INTRODUCTION TO CLEARING YOUR CRIMINAL RECORD *(continued)*

### What if I have been arrested, charged with an offense, or convicted in more than one Illinois county?

If you have been arrested, charged with an offense, or convicted in more than one county you will have a criminal record in each county. You will have to:

- Get your criminal records from each county;
- Review your criminal records from each county to find out if you qualify to expunge or seal each criminal record;
- Fill out separate expungement or sealing forms for your criminal records in each county; AND
- Pay filing fees in each county.
- **Reminder:** If you are seeking to expunge your record, remember that everything on your record must be eligible for expungement.

### If I feel that I need help completing my forms, where can I go?

- Check with your local courthouse or law library, or search [www.illinoislegalaid.org/helpcenterlist](http://www.illinoislegalaid.org/helpcenterlist) for free or reduced cost help.

### What costs will I need to pay to expunge (erase) or seal (hide) my criminal record?

- **Criminal Record Fee:** to get your court dispositions from the Circuit Clerk. If you were arrested in Chicago, there is also a fee to get a copy of your RAP (Record of Arrests and Prosecutions) sheet from the Chicago Police Department.
- **Circuit Clerk Filing Fee:** to file your expungement or sealing forms.
- **Illinois State Police Processing Fee:** to process your expungement or sealing forms. The Circuit Clerk collects this fee with the filing fee.

If you cannot afford the Circuit Clerk Filing Fee or the Illinois State Police Processing Fee, you can ask the court to waive them. You can find a fee waiver form, which can be used to waive fees in expungement and sealing cases, at: [www.illinoiscourts.gov/forms/approved/](http://www.illinoiscourts.gov/forms/approved/).

### How long will it take before I know if my record will be expunged or sealed?

It may take a few months to find out if your record will be expunged or sealed because:

- The State's Attorney, the Illinois State Police, and Arresting Agencies get 60 days to object to your *Request*;
- Courts are busy and it may take a while for a judge to review your *Request*; AND
- Law enforcement agencies may take up to 60 days to clear your criminal record once a judge orders your criminal record expunged or sealed.

### What steps do I need to take to have my criminal record expunged (erased) or sealed (hidden)?

- **Step 1:** Get copies of your criminal records.
- **Step 2:** Review your criminal records and figure out if you can apply for expungement or sealing.
- **Step 3:** Fill out the expungement or sealing forms.
- **Step 4:** File the forms to begin the process.

Read the rest of this guide for information on each step.

# STEP 1: GET COPIES OF YOUR CRIMINAL RECORDS

## Why do I need copies of my criminal records?

Criminal records list the offenses you were arrested for, the offenses you were charged with, and the outcome of the cases including any sentences you received. You need this information to find out if your offenses can be expunged (erased) or sealed (hidden) and to fill out the forms.

## What are the different types of criminal records?

- **Court Disposition:** The final judgment or outcome in a court case. There are no court dispositions for arrests or charges that did not lead to a court case.
- **Chicago RAP Sheet (Record of Arrests and Prosecutions):** List of all arrests, charges, and court case outcomes that happened in Chicago.
- **Illinois State Police RAP Sheet:** List of all convictions that happened in Illinois.

## How do I get copies of my criminal records?

- Go to the Circuit Clerk's Office in the county where your case was filed. Ask the Circuit Clerk for copies of the court dispositions or use the public computer at the courthouse to look them up and print them out. There may be a fee to get copies of or print out your court dispositions, but you can look at them on the computer and write down the information for free. Find your Circuit Clerk's website at: [www.ilcourtclerks.org/illinois-court-clerks/](http://www.ilcourtclerks.org/illinois-court-clerks/)
- **Order a RAP sheet from the Chicago Police Department (CPD) if you were arrested in Chicago.** There may be a waiting period before you get your RAP sheet. There will be a fee (\$16 as of 2014).

You must go to the CPD to get your Chicago RAP sheet:

Chicago Police Headquarters  
3510 S. Michigan Ave., Chicago, IL  
(312) 745-5508

## How do I get copies of my criminal records?

- **Get information from the Illinois State Police (ISP).**  
You can also get information about your criminal history from the ISP.

**NOTE:** If you were arrested in Chicago only, you should see if you can get all the information you need from the CPD before contacting the ISP.

- **Order conviction information from the ISP, Bureau of Identification.** This is not required, but if you want to make sure that you have all of the convictions in your record, get your ISP RAP sheet. You will need to complete a request form and pay a fee (\$16-\$20 in 2014). There may be a waiting period before you get your conviction information.

Find conviction information request forms at:

Illinois State Police, Bureau of Identification  
260 North Chicago Street, Joliet, Illinois 60432  
(815) 740-5160

[www.isp.state.il.us/crimhistory/chri.cfm](http://www.isp.state.il.us/crimhistory/chri.cfm)

- **Get all of your arrest and conviction information from the ISP through the Access and Review Process.** If you cannot get your complete criminal history using the ways listed above, you can get your complete criminal history through the ISP's Access and Review Process. You should contact the ISP and ask for permission to view your criminal records at your local police station. You will need to provide your fingerprints and other identification information at your local police station within 30 days of making the request. Once your request is approved, you can go to your local police station to view your criminal history. You will not be able to print your criminal record using this process, so you will have to write your case information down by hand.

For more information, contact the ISP at:

Illinois State Police, Division of Administration  
Bureau of Identification  
260 North Chicago Street, Joliet, Illinois 60432  
Phone: (815) 740-5160 Fax: (815) 740-4401  
E-mail: [boi\\_customer\\_support@isp.state.il.us](mailto:boi_customer_support@isp.state.il.us)  
[www.isp.state.il.us/crimhistory/viewingchircds.cfm](http://www.isp.state.il.us/crimhistory/viewingchircds.cfm)

## STEP 2: REVIEW YOUR CRIMINAL RECORDS & PICK EXPUNGEMENT OR SEALING

### What do I look for on my criminal record?

To figure out if the offenses on your criminal record can be expunged (erased) or sealed (hidden), you need to look at each item in your criminal record separately and find:

- **Charge:** the type of offense you were arrested for (even if it was never brought to court).
- **Disposition:** the outcome of the case (guilty/not guilty).
- **Sentence:** the punishment you received if convicted.

Once you find these on your criminal record, review the lists below to see if your offenses can be expunged or sealed.

### What are the first things I need to know to choose between expungement and sealing?

- You cannot expunge (erase) your record if you have been convicted of a criminal offense, unless the conviction was reversed, vacated, pardoned by the Governor, or approved for expungement by the Prisoner Review Board.
- If you have been convicted and none of the exceptions apply, you may still be able to seal (hide) your record, depending on the type of conviction and how much time has passed.
- Convictions include a finding of guilt, resulting in a sentence of: probation (other than Qualified Probation, successfully completed), jail or prison time, conditional discharge, time considered served, fines (with no other sentence), and supervisions that are not successfully completed.

### What types of offenses CAN be expunged (erased)?

All arrests that did not lead to convictions can be expunged. In a few rare cases listed below, convictions can be expunged. The following sentences can be expunged:

- Arrests for misdemeanors and felonies that did not result in a conviction.
- Convictions for all misdemeanors and felonies only if:
  - The conviction was reversed or vacated; OR
  - You received a pardon from the Governor allowing expungement of all convictions on your record; OR
  - You have a Certificate of Eligibility for Expungement from the Prisoner Review Board allowing expungement of all convictions on your record.
- Sentences for court supervision only if:
  - 2 years have passed since you successfully finished your court supervision, except the offenses listed directly below; OR
  - 5 years have passed since you successfully finished your court supervision for:
    - Domestic Battery
    - Criminal Sexual Abuse (victim was 18 or older)
    - Operation of an Uninsured Motor Vehicle
    - Operation of a Motor Vehicle when Registration is Suspended for Non-Insurance
    - Display of False Insurance Card
    - Scrap Processors to Keep Records
- Sentences of Qualified Probation, only if 5 years have passed since you successfully finished your probation.
- For definitions of the sentences listed above, see page 16.

### What types of offenses CANNOT be expunged (erased)?

The following types of arrests, charges, or sentences on your criminal record cannot be expunged:

- Minor Traffic Offenses, unless you were released without being charged.
- Convictions for misdemeanors and felonies if they were not reversed, vacated, pardoned by the Governor, or approved by the Prisoner Review Board.
- Court supervision or Qualified Probation that was NOT successfully completed.
- Court supervision for the following offenses:
  - Reckless Driving (if you were 25 or older at the time)
  - Driving Under the Influence
  - Sexual Offenses Against a Minor Under Age 18



## STEP 2: REVIEW YOUR CRIMINAL RECORDS & PICK EXPUNGEMENT OR SEALING *(continued)*

### What if I have some offenses that can be expunged and some that cannot?

- If you have 1 arrest, charge, or sentence on your criminal record that cannot be expunged because you have a conviction, then none of your criminal record can be expunged.

If you have criminal records from different jurisdictions (like two different counties), look at all the records together as a whole.

### What types of offenses CAN be sealed (hidden)?

Arrests and charges for misdemeanors and felonies that did not lead to a conviction can be sealed at any time, including minor traffic offenses where no charges were filed. The following sentences on your criminal record can be sealed if at least 4 years have passed since the successful completion of your last sentence:

- Sentences of probation or Qualified Probation
- Court supervision, except for those listed under the next question
- Convictions for most misdemeanors, except those listed in the next section
- Convictions for these Class 3 Felonies under the Criminal Code:
  - Theft ([720 ILCS 5/16-1](#))
  - Retail Theft ([720 ILCS 5/16-25\(a\)](#) or [720 ILCS 5/16A-3](#))
  - Deceptive Practices ([720 ILCS 5/17-1](#))
  - Forgery ([720 ILCS 5/17-3](#))
  - Possession of Cannabis with Intent to Deliver ([720 ILCS 550/5](#))
  - Possession with Intent to Manufacture or Deliver a Controlled Substance ([720 ILCS 570/401](#))
- Convictions for these Class 4 Felonies:
  - Prostitution ([720 ILCS 5/11-14](#))
  - Possession of Cannabis ([720 ILCS 550/4](#))
  - Possession of Cannabis with Intent to Deliver ([720 ILCS 550/5](#))
  - Possession of a Controlled Substance ([720 ILCS 570/402](#))
  - Theft ([720 ILCS 5/16-1](#))
  - Retail Theft ([720 ILCS 5/16-25\(a\)](#) or [720 ILCS 5/16A-3](#))
  - Deceptive Practices ([720 ILCS 5/17-1](#))
  - Forgery ([720 ILCS 5/17-3](#))
  - Possession of Burglary Tools ([720 ILCS 5/19-2](#))
  - Offenses under the Steroid Control Act (repealed)
  - Offenses under the Methamphetamine Precursor Control Act ([720 ILCS 646](#))

### What types of offenses CANNOT be sealed (hidden)?

The following types of arrests, charges, and sentences on your criminal record cannot be sealed:

- Convictions and supervision for these misdemeanors:
  - Driving Offenses:
    - Driving Under the Influence
    - Reckless Driving (unless under 25 at the time of the offense and no other convictions for DUI or reckless driving)
  - Violent Offenses:
    - Domestic Battery
    - Violation of an Order of Protection, Civil No-Contact Order, or Stalking No-Contact Order
  - Sexual Offenses:
    - Soliciting a Prostitute or Patronizing a Prostitute
    - Public Indecency
    - Any other misdemeanor offense listed under Article 11 of the Criminal Code (with the exception of Prostitution)
    - Any offense that requires registration under the Sex Offender Registration Act
  - Animal Offenses:
    - Dog Fighting
    - Class A Misdemeanors under the Humane Care for Animals Act, such as beating or tormenting an animal, or abandonment
- Convictions for Class X, Class 1, and Class 2 Felonies.
- Convictions for most Class 3 and Class 4 Felonies, except those listed in the previous section.

### What if I have some offenses that can be sealed and some that cannot?

- The offenses that qualify for sealing can be sealed.
- The offenses that do not qualify for sealing will stay on your criminal record.

**To determine if you can expunge or seal your criminal records, complete the Case Worksheet on page 13 of this booklet.** Once you have completed your worksheet, you do not need to look at your court dispositions and RAP sheets to complete the expungement or sealing forms.

## STEP 3A: FILL OUT THE EXPUNGEMENT FORMS

Follow these instructions only if you have determined that your entire criminal record can be expunged (erased). If your entire record cannot be expunged, skip to Step 3B on page 8 to complete the Sealing forms.

**What forms do I need to expunge (erase) my criminal record?**

- **Request to Expunge & Impound Criminal Records:** gives the court the information needed to decide if you can have your criminal record expunged.
- **Additional Arrests or Cases for Expungement & Sealing:** use this form if you have more than 15 arrests and cases on your criminal record to list the extra arrests or cases.
- **Notice of Filing for Expungement or Sealing:** tells the arresting agency that you are asking the court to expunge your criminal record.
- **Additional Notice of Filing for Expungement or Sealing:** use this form if you have more than 2 arresting agencies or if you were arrested in more than 2 different cities, towns, or villages.
- **Order to Expunge & Impound Criminal Records:** is used by the judge to say your *Request to Expunge & Impound Criminal Records* is approved or denied.

**Where can I find the expungement forms I need?**

You can find forms at:

[www.illinoiscourts.gov/Forms/approved/](http://www.illinoiscourts.gov/Forms/approved/)

**How do I fill out the *Request to Expunge & Impound Criminal Records* form?**

The form has instructions in the column on the left side to help you. Also listed below are line-by-line instructions with more information on how to fill out the *Request to Expunge & Impound Criminal Records* form.

**Page 1 Caption/Header:** You must enter all your arrest and case numbers at the top of the form where it says "Arrest or Case Numbers." If all of your case numbers do not fit, you should use the *Additional Arrests or Cases for Expungement & Sealing* form.

**Page 1 Table:** Use the information you entered on your Case Worksheet to fill out the table on the first page of the form. The Case Worksheet is on page 13 of this instruction booklet and should be completed using your court disposition printouts or RAP sheet.

- **Arrest or Case Number:** enter each arrest or case number listed on your court dispositions or RAP sheet.
- **Arresting Agency:** enter the name of the police department that arrested you.
- **Charge:** enter the name of the offense you were charged with, such as "retail theft" or "cannabis possession".
- **Date of Arrest:** enter the date you were arrested listed on your court disposition or RAP sheet.

**If you have more than 15 arrests or cases:**

- Mark the checkbox below the table that says "I have listed additional arrests or cases on the attached *Additional Arrests or Cases for Expungement & Sealing* form."
- Enter the extra arrests or cases on the *Additional Arrests or Cases for Expungement & Sealing* form. You can use more than one *Additional Arrests or Cases for Expungement & Sealing* form if needed.

**Expungement Form Page 2 Line-By-Line Instructions:**

**Line 4:** This statement in Line 4 must be true. You cannot have your criminal record expunged if you have any charges currently pending.

☒ **Line 5:** You cannot expunge your criminal record if you have ever been convicted of an offense unless one of the exceptions in 5a, 5b, 5c, or 5d applies. If you have been convicted of one offense and no exception applies, then none of the cases on your record can be expunged.

☒ **Line 5a:** Check this box if you were convicted of an offense, but the court vacated or reversed (invalidated) your conviction, making it legally void.

☒ **Line 5b:** Check this box if you were convicted of an offense, but you applied for executive clemency and were given a pardon from the Governor that allows you to expunge (erase) the conviction from your record. You must attach a copy of your pardon to your *Request to Expunge & Impound Criminal Records*.

☒ **Line 5c:** Check this box if you were convicted of an offense, but you petitioned the Prisoner Review Board and were given a **Certificate of Eligibility** that allows you to expunge (erase) the conviction from your criminal record. You must attach a copy of your Certificate of Eligibility to your *Request to Expunge & Impound Criminal Records*.

☒ **Line 5d:** Check this box if you were convicted of an offense, but you were later found factually innocent, allowing you to expunge (erase) the conviction from your criminal record.

☒ **Line 6:** Check this box if you were arrested or brought in to the police station, but you were released and no charges were ever filed against you.

☒ **Line 7:** Check this box if you were arrested for a minor traffic offense but you were released by the police without being charged with anything.

### STEP 3A: FILL OUT THE EXPUNGEMENT FORMS (continued)

☒ **Line 8:** Check this box if you were charged but:

- You were found not guilty; OR
- The charges were dropped and you were not sentenced to supervision or probation (*Nolle prosequi*, Stricken On Leave to Reinstate, SOL, non-suit, or dismissed); OR
- The court issued a finding of no probable cause.

**NOTE:** These terms are defined on page 16.

☒ **Line 9:** Check this box if:

- You were sentenced to Qualified Probation (sometimes called First Offender Drug Probation, Second Chance Probation, Offender Initiative Program, 410, 710, 1410, or TASC Probation); AND
- At least 5 years have passed since you satisfactorily completed your probation (and if TASC probation, the sentence was also vacated or cancelled by the judge).

If you check this box, attach to your forms the results of a drug test that you passed within the last 30 days.

☒ **Line 10:** Check this box if you were sentenced to court supervision, you successfully completed your court supervision, and no conviction was placed on your record. Also, enough time must have passed since you completed the supervision. Use the following guidelines:

- If you received court supervision for one of the following offenses, 5 years must have passed since you successfully finished the supervision:
  - Domestic Battery
  - Criminal Sexual Abuse (victim was 18 or older)
  - Operation of an Uninsured Motor Vehicle
  - Operation of a Motor Vehicle when Registration is Suspended for Non-Insurance
  - Display of False Insurance Card
  - Scrap Processors to Keep Records
- For all other offenses for which you received court supervision, 2 years must have passed since you successfully finished the supervision.

☒ **Line 11:** Check this box only if you are NOT trying to expunge a sentence of court supervision for:

- Driving Under the Influence (DUI); OR
- A sexual offense where the victim was under 18 years old; OR
- Reckless Driving when you were 25 years old or older.

☒ **Line 12:** Check this box if:

- You were charged with Reckless Driving and received a sentence of supervision; AND
- You were less than 25 years old when the offense was committed; AND
- You have never been convicted of DUI of alcohol or any other drug, you have no other convictions for Reckless Driving, and you are now 25 or older.

**Signature:** You must sign and date your *Request to Expunge & Impound Criminal Records*. Your signature means that everything you filled out on the form is true and correct to the best of your knowledge. Making a false statement in this form could be perjury.

**Prepared By:** Enter your name and contact information and leave "Attorney No." empty.

#### How do I fill out the *Notice of Filing for Expungement or Sealing* form?

- Enter your information on this form where instructed.
- If some of your criminal charges or cases took place in different cities, towns, or villages in the same county, you must list all of the police departments that arrested you and the Chief Legal Officer for each city, town, or village. The Chief Legal Officer is usually the lawyer for the city or town in which you were arrested.
- Find the name and address for the county State's Attorney by asking the Circuit Clerk.
- Find the address for the Arresting Agencies (police departments) that arrested you by contacting them.
- Find the address for the Chief Legal Officer by contacting the city, town, or village you were arrested in.
- If you have more than 2 arresting agencies or if you were arrested in more than 2 different cities, towns, or villages, use an *Additional Notice of Filing for Expungement or Sealing* form. You may use more than one *Additional Notice of Filing for Expungement or Sealing* form.
- The Circuit Clerk will mail a copy of the *Notice of Filing for Expungement or Sealing*, any *Additional Notice of Filing for Expungement or Sealing*, and your *Request* form to all of the agencies that are required to get *Notice* of your *Request*.

#### How do I fill out the *Order to Expunge & Impound Criminal Records* form?

- Enter your information on this form where instructed.
- Enter the number for all arrests, charges, and convictions in your criminal record. If an arrest did not result in formal charges, enter the arrest number.
- You will not check any boxes on the *Order* form. The judge will check the correct boxes once a decision has been made about your *Request*.
- You will get this form back from the court telling you if the court approved or denied your *Request*.



## STEP 3B: FILL OUT THE SEALING FORMS

Follow these instructions only if you have determined that your criminal record can be sealed (hidden).

What forms do I need to seal (hide) my criminal record?

- **Request to Seal Criminal Records:** gives the court the information needed to decide if you can have your criminal records sealed.
- **Additional Arrests or Cases for Expungement & Sealing:** use this form if you have more than 15 arrests and cases on your criminal record to list the extra arrests or cases.
- **Notice of Filing for Expungement or Sealing:** tells the arresting agency that you are asking the court to seal your criminal record.
- **Additional Notice of Filing for Expungement or Sealing:** use this form if you have more than 2 arresting agencies or if you were arrested in more than 2 different cities, towns, or villages.
- **Order to Seal Criminal Records:** is used by the judge to say your *Request to Seal Criminal Records* is approved or denied.

Where can I find the sealing forms I need?

You can find forms at:

[www.illinoiscourts.gov/Forms/approved/](http://www.illinoiscourts.gov/Forms/approved/)

How do I fill out the *Request to Seal Criminal Records* form?

The form has instructions in the column on the left side to help you. Also listed below are line-by-line instructions with more information on how to fill out the *Request to Seal Criminal Records* form.

**Page 1 Table:** Use the information you entered on your Case Worksheet to fill out the table on the first page of the form. The Case Worksheet is on page 13 of this instruction booklet and should be completed using your court disposition printouts or RAP sheet.

- **Arrest or Case Number:** enter each arrest or case number listed on your court dispositions or RAP sheet.
- **Arresting Agency:** enter the name of the police department that arrested you.
- **Charge:** enter the name of the offense you were charged with, such as "retail theft" or "cannabis possession".
- **Date of Arrest:** enter the date you were arrested listed on your court disposition or RAP sheet.

If you have more than 15 arrests or cases:

- Mark the checkbox below the table that says "I have listed additional cases on the attached *Additional Arrests or Cases for Expungement & Sealing* form."
- Enter the extra cases on the *Additional Arrests or Cases for Expungement & Sealing* form. You can use more than one *Additional Arrests or Cases for Expungement & Sealing* form if needed.

### Page Two Line-By-Line Instructions:

**Line 4:** This statement in Line 4 must be true. You cannot seal arrests or charges for minor traffic offenses unless you were released by the police without being charged. The only traffic cases that can be expunged or sealed are Class A and B Misdemeanors (for example, driving on a suspended license), except for reckless driving (when over 25) and DUI.

**Line 5:** This statement in Line 5 must be true. You cannot seal convictions for a felony offense unless:

- The felony was reduced to an eligible misdemeanor; OR
- The felony is one of the Class 3 or Class 4 Felonies that can be sealed.

See *What types of offenses CAN be sealed (hidden)?* on page 5 for a list of the felonies that can be sealed.

To find out if an offense is a felony or misdemeanor, look at your RAP sheet or court dispositions for the "Class." There will be either an "F" for felony or "M" for misdemeanor listed. In most counties outside of Cook, felony offenses have a "CF" in the case number and misdemeanors have a "CM" in the number.

Sample RAP Sheet with class of criminal charge:

<u>Court Charges/Disposition</u>			
Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	M
Disposition: COURT SUPERVISION		Disposition Date: 12/17/2010	
Case Number: 09CM117			

**Line 6:** This statement in Line 6 must be true. You cannot seal a felony conviction that happened after you sealed a prior felony conviction.

☒ **Line 7:** Check this box if you were ever arrested or brought in to the police station, but you were released and no charges were ever filed against you.

☒ **Line 8:** Check this box if you were ever charged but:

- You were found not guilty; OR
- The charges were dropped and you were not sentenced to supervision or probation (*Nolle prosequi*, Stricken On Leave to Reinstate, SOL, non-suit, or dismissed); OR
- The court issued a finding of no probable cause.

☒ **Line 9:** Check this box if you were ever convicted of an offense, but the court vacated or reversed (invalidated) your conviction, making it legally void.

**STEP 3B: FILL OUT THE SEALING FORMS** *(continued)*

☒ **Line 10:** Check this box if any of the options in 10a, 10b, 10c, or 10d applies to you and at least 4 years have passed.

☒ **Line 10a:** Check this box if:

- You were sentenced to court supervision; AND
- You successfully completed the supervision.

☒ **Line 10b:** Check this box if:

- You were convicted of a misdemeanor that can be sealed; AND
- At least 4 years have passed since the successful completion of your last sentence. Your “last sentence” means the latest completion date of any sentence you received in any location.

See *What types of offenses CAN be sealed (hidden)?* on page 5 for a list of the misdemeanors that can be sealed.

☒ **Line 10c:** Check this box if :

- You were sentenced to Qualified Probation or First Offender Drug Probation (sometimes called 410, 710, 1410, or TASC); AND
- At least 4 years have passed since the successful completion of your last sentence. Your “last sentence” means the latest completion date of any sentence you received in any location.

If you check this box, attach to your forms the results of a drug test that you passed within the last 30 days.

☒ **Line 10d:** Check this box if:

- You were convicted of a felony offense that can be sealed; AND
- At least 4 years have passed since the successful completion of your last sentence. Your “last sentence” means the latest completion date of any sentence you received in any location.

See *What types of offenses CAN be sealed (hidden)?* on page 5 for a list of the felonies that can be sealed.

If the felony was drug-related, attach to your forms the results of a drug test that you passed within the last 30 days.

☒ **Line 11:** Check this box if you petitioned the Prisoner Review Board and were given a **Certificate of Eligibility** that allows you to seal (hide) the conviction from your criminal record. You must attach a copy of your Certificate of Eligibility and the results of a drug test that you passed within the last 30 days to your *Request to Seal Criminal Records*.

**Signature:** You must sign and date your *Request to Seal Criminal Records*. Your signature means that everything you filled out on the form is true and correct to the best of your knowledge.

**Prepared By:** Enter your name and contact information and leave “Attorney No.” empty.

**How do I fill out the *Notice of Filing for Expungement or Sealing* form?**

- Enter your information on this form where instructed.
- If some of your criminal charges, or cases took place in different cities, towns, or villages in the same county, you must list all of the police departments that arrested you and the Chief Legal Officer for each city, town, or village. The Chief Legal Officer is usually the lawyer for the city or town in which you were arrested.
- Find the name and address for the county State’s Attorney by asking the Circuit Clerk.
- Find the address for the Arresting Agencies (police departments) that arrested you by contacting them.
- Find the address for the Chief Legal Officer by contacting the city, town, or village you were arrested in.
- If you have more than 2 arresting agencies or if you were arrested in more than 2 different cities, towns, or villages, use an *Additional Notice of Filing for Expungement or Sealing* form. You may use more than one *Additional Notice of Filing for Expungement or Sealing*.
- The Circuit Clerk will mail a copy of this form and your *Request* to all of the agencies that are required to get notice of your *Request*.

**How do I fill out the *Order to Seal Criminal Records* form?**

- Enter your information on this form where instructed.
- Enter the number for all arrests, charges, and convictions in your criminal record. If an arrest did not result in formal charges, enter the arrest number.
- You will not check any boxes on the *Order* form. The judge will check the correct boxes once a decision has been made about your *Request*.
- You will get this form back from the court telling you if the court approved or denied your *Request*.

## STEP 4: NEXT STEPS FOR EXPUNGEMENT & SEALING

### What do I do after I fill out the forms?

- You must file the forms at the courthouse in the county where you were arrested or charged with the offense. In some counties, you may have to attach copies of your court dispositions.
- Find your county courthouse at:  
[www.illinoiscourts.gov/circuitcourt/circuitmap/map1.asp](http://www.illinoiscourts.gov/circuitcourt/circuitmap/map1.asp)
- You should call your county courthouse for more information on exact filing costs and number of copies required. If you cannot afford the filing fees, you can ask the court to waive them. You can find a fee waiver form at your local courthouse or at:  
[www.illinoiscourts.gov/forms/approved](http://www.illinoiscourts.gov/forms/approved)
- Bring your completed forms and the required number of copies to the Circuit Clerk at the courthouse.
- The Circuit Clerk will stamp and keep the original forms. Have the Circuit Clerk also stamp the extra copies of your forms.
- Pay the filing fee or ask the court for a fee waiver if you cannot afford the fees.
- The Circuit Clerk will mail your *Request* with the *Notice of Filing for Expungement or Sealing* to each of the following:
  - County State's Attorney
  - Arresting Agencies (police departments)
  - Chief Legal Officers of the cities, towns and villages where you were arrested
  - ISP
- Keep 1 set of stamped forms for your own records.

*Note:* You may be able to file online. Check your local Circuit Clerk's website to see if online filing is an option. Find your Circuit Clerk's website at:  
<http://www.ilcourtclerks.org/illinois-court-clerks/>

### What if I have arrests and charges from different counties?

If you have arrests, charges, or convictions that happened in more than one county, you must file separate requests for expungement or sealing in each county. A *Request* should only include arrests, charges, and convictions that happened in one county. You will have to pay filings fees in each county where you file a *Request*, unless they are waived in each county.

### What if I move before my expungement or sealing case is over?

If you move before your case is over, immediately notify the Circuit Clerk of your new address. If you do not tell the court your new address you may not receive notices of hearing dates and copies of court orders.

### Can anyone keep me from getting my criminal record expunged (erased) or sealed (hidden)?

The police departments and prosecutors that you listed on the *Notice of Filing for Expungement or Sealing* form get a chance to object to your request to expunge or seal your criminal record. They have 60 days to file a written objection with the court. If they object, it means they do not want your record to be expunged or sealed. If the agencies do not object during the 60 days, they cannot object at a later time.

### How will I know if someone objects to my request for expungement or sealing?

The court will tell you if there is an objection. An objection does not mean the court is denying your *Request*. The court will consider the objection when deciding if your criminal record will be expunged or sealed.

### Will I have a court hearing for my expungement or sealing case?

You may need to go to court for a hearing in front of a judge. Some counties schedule a hearing date right away, but others will only schedule a hearing if one of the agencies you listed on the *Notice of Filing for Expungement or Sealing* form objects to your request for expungement or sealing.

### Do I have to go to the hearing if one is scheduled?

You must attend the court hearing if one is scheduled. If you do not go to your hearing, your case could be dismissed. On the hearing date:

- Get to the court 45 minutes before your hearing time.
- Bring these items to your court hearing:
  - Photo I.D.;
  - Stamped copies of your forms;
  - *Order to Expunge & Impound Criminal Records* or *Order to Seal Criminal Records*;
  - Notes or documents detailing your employment and educational history; AND
  - Other papers related to your *Request* (like evidence of completion of a treatment program, letters of recommendation, proof of education, or degrees, etc.).
- Confirm the court room number and go to that room.
- Check in quietly with the judge's clerk or court assistant. The clerk/assistant sits next to the judge. Wait for your name and case number to be called.
- When your case is called by the clerk/assistant, walk up to the judge and introduce yourself politely.
- You may be sworn to tell the truth. Answer the judge's questions truthfully. Be prepared to tell the judge about specific negative results you may suffer if your *Request* is denied.
- You will have a chance to respond to any objections to your request for expungement or sealing.
- The agencies that you listed on your *Notice of Filing for Expungement or Sealing* form may be at your hearing and could ask you questions about your case.

## STEP 4: NEXT STEPS FOR EXPUNGEMENT & SEALING *(continued)*

### If I am asked to come in for hearing, how does the court decide to approve or deny my request for expungement or sealing?

Requests for expungement or sealing are not automatically approved just because you are eligible under the law. To decide, the court will:

- Review any objections filed by the agencies you listed on your *Notice of Filing for Expungement or Sealing* form; AND
- Determine if you are eligible under the law; AND
- Review other factors it is allowed to consider:
  - The strength of the evidence supporting a conviction;
  - The reasons why the State, the Arresting Agencies, or Chief Legal Officers want to keep your records from being erased or hidden;
  - Your age, criminal record history, and employment history;
  - The period of time between your arrest on the charge resulting in the conviction and the filing of the request to expunge or seal your records; AND
  - The specific negative results you may suffer if the petition is denied. Be prepared to tell the judge about these.

### How will I find out if my request for expungement or sealing is approved or denied?

If you do not receive a copy of the *Order* in court, the Circuit Clerk will mail you a copy of the *Order* stating whether your request for expungement or sealing was approved or denied.

### What do I do with the *Order* approving or denying my request for expungement or sealing after I get it?

If your request was approved, it is very important that you keep a copy of the *Order* that you receive from the Circuit Clerk in a safe place. Once your arrests or cases are expunged or sealed, the court no longer has a court record for you and it may be very difficult to get another copy of the *Order*.

### If my request is approved, how long will I have to wait before my record is expunged or sealed?

If the judge approves your request for expungement or sealing, a copy of the *Order* will be sent by the Circuit Clerk to the police departments and prosecutors that you listed on the *Notice of Filing for Expungement or Sealing*. These agencies have 60 days from the time they receive a copy of the *Order* to expunge or seal your records.

### How will I know when my record has been expunged or sealed?

The ISP will send you a letter stating that they have expunged or sealed your records. Until you receive this letter from the ISP, your records have not yet been expunged or sealed.

### Can anyone find out about my criminal record once it has been expunged or sealed?

Some agencies will be able to find out that you expunged a criminal record and see your sealed records:

- Law enforcement agencies can see sealed records, expunged pardoned convictions, and some five-year-waiting-period expunged records for limited purposes.
- Any employer required by law to conduct fingerprint background checks can see sealed felony conviction records. These employers include: schools, park districts, health care organizations, and childcare organizations.
- An employer not listed above and members of the public can't see expunged or sealed records or find out that you have had a record expunged or sealed.

### If my records are expunged or sealed, do I have to tell employers or potential employers about it?

No, you do not have to tell employers about expunged or sealed criminal records.

- On job applications you may answer "no" to the question, "have you ever been convicted" if your entire criminal record was expunged or sealed.
- If you applied for expungement or sealing and the court has not decided yet, you still have to report your criminal record on job applications.
- In Illinois it is against the law for employers to ask if you have expunged or sealed any criminal records.

If an employer finds out that you expunged or sealed any criminal records, they cannot use that against you or they will violate the Illinois Human Rights Act.

### What can I do if my request for expungement or sealing is denied?

- **Ask for Reconsideration:** You can ask the circuit court to look at your *Request* again.
  - File a Motion for Reconsideration with the Circuit Clerk within 60 days from the day you received a copy of the *Order* denying your *Request*.
  - You may have to pay another filing fee unless you have a fee waiver.



**STEP 4: NEXT STEPS FOR EXPUNGEMENT & SEALING** *(continued)*

- **Appeal:** You can ask the appellate court to review the circuit court decision.
  - File a Notice of Appeal with the Circuit Clerk within 30 days from the day the *Order* was entered denying your *Request*.
  - You will have to pay a filing fee to the appellate court unless you have a fee waiver from the appellate court. You will have to pay a fee for the Circuit Clerk to prepare the Record on Appeal unless you have a fee waiver from the circuit court.

**What if my criminal record does not qualify for expungement or sealing?**

You may be able to get one of the following certificates from the Prisoner Review Board that will allow you to apply for expungement or sealing.

- **Certificate of Eligibility for Expungement:** You may be able to get this certificate if you were convicted of a Class 3 or Class 4 Felony and enlisted in, or received an honorable discharge from, the United States Armed Forces or National Guard, and you served at least one tour of duty.
- **Certificate of Eligibility for Sealing:** You may be able to get this certificate if you have been convicted of a Class 3 or Class 4 Felony.

To find out if you are eligible for one of these certificates, contact the Prisoner Review Board:

**Illinois Prisoner Review Board**  
319 East Madison Street, Suite A  
Springfield, IL 62701

Telephone: (217) 782-7273  
Fax: (217) 524-0012  
[www.illinois.gov/prb/](http://www.illinois.gov/prb/)

**What if my criminal record does not qualify for expungement or sealing and I cannot get a certificate from the Prisoner Review Board?**

You may be able to get one of the following certificates from the court to help you show that you are serious about getting a job or get a professional license:

- **Certificate of Good Conduct:** This certificate may help you get a job. You may be able to get the certificate if it has been two years since you successfully completed your sentence and you have not been convicted of a Class X Felony, aggravated DUI, aggravated domestic battery, or a forcible felony resulting in great bodily harm.
- **Certificate of Relief from Disabilities:** This certificate may help you get a professional license for jobs like a barber, therapist, real estate agent, roofer, engineer, accountant, and more. You may be able to get this certificate if you have not been convicted of a Class X Felony, aggravated DUI, aggravated domestic battery, or a forcible felony resulting in great bodily harm.
- **Certificate of Innocence:** This certificate may help you get paid money from the Illinois Court of Claims for an improper conviction. You may be able to get this certificate if you proved you were improperly convicted.
- **Health Care Waiver:** This certificate may help you get a health care job if you are not professionally licensed (e.g. registered nurse, licensed practical nurse) and want to work at a health care organization (nursing homes, hospitals). For more information, see the Health Care Worker Registry at: [www.idph.state.il.us/nar/](http://www.idph.state.il.us/nar/).

Information about these certificates may be obtained from the Circuit Clerk.

## Appendix: Case Worksheet

Use this worksheet to get the information from your entire criminal record in one place.

- You can find all the information you need to fill in the worksheet on your court dispositions, RAP sheets, and information from the Illinois State Police. Below are some samples to help you locate the information you need.
- There are three tables on page 16 of this instruction booklet to help you determine if a sentence or disposition qualifies as a conviction for the purposes of expungement and sealing.

### How do I complete the Case Worksheet?

Using the information on your court dispositions and any RAP sheets you have, fill in your Case Worksheet with this information for each case:

- Arrest or Case Number:** enter the arrest or case number listed on your court disposition or RAP sheet.

- Arresting Agency:** enter the name of the police department that arrested you.
- Charge:** enter all offenses you were charged with for each case number, for example "drug possession" and "possession of paraphernalia".
- Date of Arrest:** enter the date you were arrested that is listed on your court disposition or RAP sheet.
- Outcome:** enter the sentence you received for the offense.
- Completion of Sentence:** enter the date your sentence ended successfully.

### What if I see an arrest on my criminal record but there is no charge, disposition or sentence listed?

Not all arrests lead to charges, so there would not be a charge, disposition, or sentence listed on your record. All arrests without charges can be expunged if all the offenses on your entire record qualify. If not, then the arrests can be sealed. In the chart below, you only need to enter the Arresting Agency and Date of Arrest for arrests that did not result in charges.

	Arrest or Case Number	Arresting Agency	Charge	Date of Arrest	Outcome	Completion of Sentence (Date)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						

Do not file this worksheet with the court. It is only for helping you fill out the actual expungement or sealing forms.

**Sample Cook County Court Disposition:**

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

VS

JOHN DOE

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show:

The State's Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

Charging the above named defendant with:

750-5/12-3-A-1 M A **BATTERY**

The following disposition(s) was/were rendered before the Honorable Judge(s):

11/05/2005 BOND SET BY RULE OF COURT 11/17/2005 3154  
Smith, Gerald T. B001

11/17/2005 BOND FORFEITURE  
Smith, Gerald T.

12/13/2005 MOTION TO VACATE BOND FORF.  
Smith, Gerald T.

12/13/2005 BOND FORFEITURE VACATED  
Smith, Gerald T.

12/13/2005 **STRICKEN OFF - LEAVE REINSTATE** C001  
Smith, Gerald T.

**Sample Chicago Police RAP Sheet:**

CHICAGO POLICE DEPARTMENT  
3510 S. Michigan Avenue/Chicago, IL 60653  
Identification Section

Criminal History Report

DOE, JOHN  
IR # 978380  
SID #  
FBI #  
IDOC #  
Current Arrest Information:

MALE  
WHITE  
5'10"  
EYES: BRO  
HAIR: BLK

Date of Birth: 2-OCT-1974  
Age: 39 years  
Place of Birth: CHICAGO, IL  
SSN:  
Driver's License #: Q4838171920282782  
Driver's Lic. State: ILLINOIS  
Scars, Marks & Tattoos:

Criminal Justice Summary: Total arrests: 1 (1 Misdemeanor)

ARREST

Arrest Name: DOE, JOHN Date: 11/4/2005 Holding Facility: NORRIDGE  
Date of Birth: 2-OCT-1974 Arrest Address: 145 W. State St., Chicago, IL  
DCN or CB: 05456347 Residence: 230 E. Green St., Chicago, IL  
Officer: JONES Officer Badge #: 53 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description
[1]	A	M	720 ILCS 5/12-3	Battery

COURT CHARGES/ DISPOSITION			
Statute	Charge	Class	Case#
720 ILCS 5/12-3	BATTERY	M	05121978901
Disposition	SOL	Disposition Date:	13-DEC-2005
Sentence		Sentence Date	

**Sample Case Worksheet:**

	Arrest or Case Number	Arresting Agency	Charge	Date of Arrest	Outcome	Completion of Sentence (Date)
1	05121978901	Chicago Police Department	Battery	11/4/2005	Stricken off with leave to reinstate	n/a

**Sample County Court Disposition (Not Cook County):****Sample Illinois State Police RAP Sheet:**

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
FORD COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, )  
Plaintiff, )  
vs ) No. **09-CM-117**  
Jane Doe )  
Defendant )

JUDGMENT AND SENTENCE  
OF PROBATION/COURT SUPERVISION/CONDITIONAL DISCHARGE

The case coming on for sentencing, Defendant (having pled guilty of) ~~(having been found guilty of) (having had probation, supervision, or conditional discharge received for)~~ the offense(s) of:  
**Unlawful Possession of Drug Paraphernalia**  
**Class A Misdemeanor**

and a Presentence Report having been ~~(prepared)~~ (waived) and hearing in aggravation and mitigation ~~(held)~~ (waived); The Court finds there is a factual basis for a finding of guilty. The Court further finds that imprisonment in the Illinois Department of Corrections is not necessary for the protection of the public, and the following sentence does not deprecate the seriousness of the Defendant's conduct and is consistent with the ends of justice.

**ACCORDINGLY IT IS THE ORDER OF THIS COURT**, that the Defendant is placed on (probation) ~~(court supervision)~~ ~~(conditional discharge)~~ for a period of 12 (years) (months) (days) subject to the following conditions:

**THE DEFENDANT SHALL:**

95 (X) 1. not violate any criminal statute of any jurisdiction;  
...  
95 (X) 8. pay a fine of \$ 750 ; court costs of . . .  
and Probation ~~(Supervision)~~ fees in the amount of \$ 25 per month;

... This case is continued to 12/17/10 except for review or remission hearings.

ENTER: 12/17, 20 09 Gerald T. Smith  
JUDGE

TERMINATION DATE: 12/17, 20 10

ILLINOIS STATE POLICE  
Bureau of Identification  
260 North Chicago Street  
Joliet, IL 60432-4075

**Criminal History Of:** Doe, Jane State Identification #: IL 9876543  
(Last Known Name)

**Conviction Status:** MISDEMEANOR CONVICTION  
**Custodial Status:**

**Alias Name(s)** DOE, JANE **Date of Birth** 01/13/1981

**SUBJECT IDENTIFICATION DATA**

**Sex:** FEMALE  
**Race:** WHITE  
**Height:** 5'4" **Date Reported:** 10/23/2009 **FBI#:**  
**Weight:** 105 **Date Reported:** 10/23/2009 **Chicago IR#:**  
**Eyes:** BLUE  
**Hair:** BLACK  
**Skin:** MEDIUM

**Scars/Marks/Tattoos** TAT L LEG **Place of Birth** ILLINOIS **Driver's License #** K1234567899 **DL State** IL

**CRIMINAL HISTORY DATA**

Arrest  
**DCN:** P129393 **Date of Arrest:** 10/23/2009  
**Name:** DOE, JANE **Date of Birth:** 01/13/1981  
**Residence:** 123 N. Main St. Melvin, IL

**Arresting Agency:** FORD COUNTY SHERIFF'S OFFICE  
**Agency Case Number:** 1234567 **Officer Badge Number:** 008

**Arrest Charges**

Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	M

**State's Attorney Section**  
**Filing Decision:** FILED **Decision Date:** 10/23/2009

Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	M

**Agency Name:** FORD COUNTY STATE'S ATTORNEY

**Court Charges/Disposition**

Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	M

**Disposition:** PROBATION **Disposition Date:** 12/17/2010

**Case Number:** 09CM117  
**Agency Name:** FORD COUNTY CIRCUIT COURT

**Sample Case Worksheet:**

	Arrest or Case Number	Arresting Agency	Charge	Date of Arrest	Outcome	Completion of Sentence (Date)
1	09-CM-117	Ford County Sheriff's Office	Unlawful Possession of Drug Paraphernalia	10/23/2009	Probation	12/17/2010



**How do I know if I was “convicted” of an offense and cannot have my criminal record expunged (erased)?**

The disposition (outcome) of the offense on your record tells you if you were convicted or not. The tables below explain what the disposition codes or descriptions on your record mean and if you were convicted or not.

- If you see the disposition for your offense on Table 1 below, you were not convicted for that offense and it can be expunged.

- If you see the disposition for your offense on Table 2 below, you were convicted of that offense but you have an exception that allows you to apply for expungement.
- If you see the disposition for your offense listed on Table 3 below, you were convicted of that offense and it cannot be expunged.

**Look at all of the entries in the “Outcome” column of your Case Worksheet. Are there any convictions on your record?**

If yes, go to the Sealing instructions in Step 3B. If no, and there are no convictions on your record, or one of the special situations in Table 2 applies to your case, then go to the Expungement instructions in Step 3A.

**Table 1: These dispositions/outcomes mean that you were NOT convicted:**

Code	Disposition	More Information
FNPC	Finding of No Probable Cause	The court dismissed the case because it decided that there was no probable cause (reason) to believe that you had committed the offense of which you were accused.
FNG	Found Not Guilty	The court decided you were not guilty of the offense you were charged with.
RWOC	Released without Charging	You were arrested but not charged with an offense or brought to court.
	<i>Nolle prosequi</i>	The state stopped prosecuting your case and the court dismissed the case.
	Non-suit	In an Ordinance Violation case, the local municipal attorney has the option to bring the case back up again. If they do not, the case is considered dismissed.
SOL	Stricken off with leave to reinstate	The State has the option to bring the case back up again. If they do not within 120 – 160 days, the case is considered dismissed.
	Court supervision, completed successfully	The court kept your case open for a set period of time, and because you followed all of the conditions during that time, the court dismissed the criminal charges against you.
	Successfully completed first offender drug probation or Qualified Probation	This type of probation can also be called 410, 710, 1410, or TASC probation, and must be reflected in the record. You can tell if you received this special type of probation by the court disposition.

**Table 2: These dispositions/outcomes mean that you were convicted, but there is a special situation:**

Disposition/Sentence	More Information
Guilty/Conviction Reversed or Vacated	The court originally decided you were guilty of an offense, but then reviewed your case and decided you were not guilty, or the court cancelled the original finding of guilt.
Guilty/Conviction with a Pardon from the Governor	The court found you guilty of an offense, but the Governor granted you a pardon that allows the expungement of your criminal record.
Guilty/Conviction with a Certificate of Eligibility for Expungement from the Prisoner Review Board	You petitioned the Prisoner Review Board and were given eligibility to erase a conviction from your criminal record.

**Table 3: These dispositions/outcomes mean that you were convicted:**

Disposition/Sentence	More Information
Guilty	The court determined you committed the offense.
Time Considered Served	The court determined that you committed the offense. The time you spent in jail waiting for the court to hear your case was considered your sentence.
IDOC (Illinois Department of Corrections) or County Department of Corrections (jail)	The court determined you committed the offense. You were sentenced to time in jail or prison.
Conditional Discharge	The court determined you committed the offense. You were sentenced to meet certain conditions and if you did not you would be resentenced.
Probation (not Qualified Probation)	The court determined you committed the offense. You were sentenced to report to a Probation Officer.
Fine (without court supervision)	The court determined you committed the offense. You were sentenced to pay a fine.